IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 2234 OF 2005

Santosh Dattaram Ghadigaonkar & Anr. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents.

Mr. S.R. Page for the Petitioners

None for the Respondents.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.
DATE: SEPTEMBER 30, 2005.

P.C.:-

1. The learned counsel for the petitioners has drawn our attention to a Division Bench order of this Court dated 14th June, 2005 *(Zunka Bhakar Kendrachalak Sanghatana v. The State of Maharashtra & Ors.)* and prays that order in terms of the order be passed in this case. We find the prayer to be reasonable. Accordingly, we pass the order as follows:-

2. A bunch of Petitions of Zunka Bhakar Kendrachalak Sanghtana and Zunka Bhakar Kendrachalak Association were disposed of by a comprehensive judgment by the bench consisting of Hon'ble Mr.Justice B.P. Singh, C.J., and Hon'ble Mr. Justice S.Radhakrishnan on 29th March, 2001.

3. Against that judgment, Special Leave Petition (Civil) No.8354 of 2001 was preferred before the Supreme Court. Their Lordships, while issuing notice, directed that an interim arrangement, which was stated by the High Court in paragraph 49 of the judgment, would continue until further orders. That order was passed on 12th May, 2001. The petition again came up for further directions before Their Lordships on 13th July, 2004. While granting special leave, the Apex Court made it clear that interim orders granted in three appeals are confined to the appellants therein. In Writ Petition (Lodging) No.1140 of 2005, a Division Bench consisting of Hon'ble Mr. Justice H.L. Gokhale and Hon'ble Mr. Justice S.C. Dharmadhikari, in view of the order of the Supreme Court, passed the following order on 26th April, 2005:-

> "Heard Mr. Jayakar in support of this petition. The petition seeks stay on the removal of the Zunka Bhakar Kendras. A group of petitions was filed earlier in this Court and this

> Court dismissed those petitions by detailed judgment and order passed on 29th March, 2001. A Special Leave Petition was preferred. Initially a general stay was granted but subsequently the same has been restricted only to those who have filed the SLP. Present petition seeks extension of that stay to all other persons similarly situated. This will amount to review of the order passed by this Court earlier which is already pending in challenge before the Apex Court. In the circumstances presently no ad-interim order. Matter to come up on 13th June, 2005 before which the petitioner may move the Apex Court if so instructed for extension of stay. Mr.Jayakar points out that the subsequent Government Resolution of the State passed in February, 2005 is also under challenge. That will be looked into when the matter is listed".

4. The Court aptly observed that the stay granted by the Apex Court was confined to the Appellants before the Supreme Court. Therefore, the same stay cannot be extended to other persons. The Court further mentioned that if the petitioners are so advised, they may approach the Apex Court for appropriate orders. Since the interim order of the Apex Court was confined only to the appellants who had preferred the Special Leave Petition before the Supreme Court, therefore, it would not be appropriate to extend that relief to the petitioners herein. Consequently, the petitioners are not entitled for any interim reliefs. In view of the fact that against the judgment of this Court, appeals are pending in the Supreme Court, therefore, no further directions can be given in these petitions. Consequently, these petitions are

accordingly disposed of.

5. This petition, in consonance with the prayer of the petitioners, is disposed of in terms of afore-mentioned observations in Special Leave Petition (Civil) No. 8354 of 2001.

CHIEF JUSTICE

S.J. VAZIFDAR, J.